

SECRET

JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Tuesday - 10 July 1973

25X1

1. [ ] Handcarried to Guy McConnell, Senate Appropriations Committee staff, General Walters' letter covering a replenishment to the Reserves.

I reviewed with McConnell arrangements for tomorrow's budget briefing on the intelligence community and the Agency. He said he was preparing a number of questions for Senator McClellan, but he thought these would be submitted to us to respond for the record. However, he does expect the Chairman to ask Mr. Colby what he has done to tighten up things in the aftermath of the Watergate affair and to present his views on the question of publication of the total intelligence budget figures.

25X1

2. [ ] Accompanied Mr. Colby to his appearance before the CIA Subcommittee of Senate Armed Services. In the afternoon session, Acting Chairman Symington asked Mr. Colby to confirm in a letter to him the comments which he made in executive session regarding the Laurence Stern article in today's Washington Post. I consulted with Jim Woolsey, of the Committee staff, in the preparation of this letter.

25X1

3. [ ] Scott Cohen, Executive Assistant to Senator Charles H. Percy (R., Ill.), called to see whether certain portions of an interview between a Soviet correspondent and the Senator were included in the subsequent Soviet broadcasting of the interview. After checking with

STATSPEC

[ ] I informed Cohen that the portions of the interview in which he was interested were not broadcast by the Soviets.

SECRET

STAT

6-7-73

By Stephen D. Isaacs  
Washington Post Staff Writer  
NEW YORK, June 6—  
White House documents obtained by The New York Times show that President Nixon approved a domestic espionage plan in 1970, a part of which, he had been warned, was "clearly illegal."

The documents obtained by The Times appear to be copies of at least some of those removed from the White House by deceased presidential counsel John W. Dean III and turned over to the Justice Department and the Senate Watergate Committee by the presiding judge in the Watergate case.

The only specific targets of the expanded espionage activity mentioned in the documents are the Black Panthers and Weathermen.

Included in the plan were:

- Lifting of restraints against surreptitious entry—breaking and entering—to obtain information against foreign and domestic "security targets."
- Monitoring U.S. citizens' overseas telephone calls and telegrams.
- Stepped-up bugging and tapping—"electronic surveillance and penetrations"—of "individuals and groups" who are security threats.
- Lifting and easing of restrictions for examining mail addressed to suspected security risks.
- Allowing recruiting of young students for surveillance on campuses and increasing "CIA coverage of American students (and others) traveling or living abroad."

The President, in his statement on May 22, said that the plan had been approved in July, 1970, but approval had been withdrawn five days later—on July 23, 1970—at the request of the late J. Edgar Hoover of the FBI.

The President in that statement did not specify exactly what the plan entailed.

The documents obtained by The Times were prepared by former White House aide Tom Charles Huston, who spearheaded the administration's domestic intelligence planning at the time.

[Repealed by the Washington Post, June 6, 1973]

See DOCUMENTS, A-1 Col. 1

ton Post last night in Indianapolis, Huston, 32, a lawyer, said, "I assume what they have is what John (Dean) put in his safety deposit box."

[Huston had said in an interview in Indianapolis last Sunday that the 1970 intelligence plan that he sent to Mr. Nixon was accompanied by five supportive memorandums and a covering letter.]

The documents include a summary of a proposal to increase intelligence, that proposal having been drafted by a committee including Hoover, then CIA director, Richard Helms, Gen. Donald V. Bennett—then head of the Defense Intelligence Agency—and Adm. Noel Gaylor, then head of the National Security Agency.

They also include a memorandum from Huston to H. R. Haldeman, Mr. Nixon's then chief of staff, labeled an "Analysis and Strategy" for implementing the plan and for handling Hoover, who was the only member of the committee who opposed the measures, according to Huston.

Finally, the documents published by The Times include a "Decision Memorandum" written by Huston announcing to the intelligence agencies Mr. Nixon's approval of the recommendations, despite Hoover's objections.

At one point Huston wrote, according to The Times, "We don't want the President linked to this thing with his signature on paper . . . (because) all hell will break loose if this thing leaks out."

The documents state that the plan was drafted in response to "the problems outlined by the President"—later defined as "the serious internal security threat which exists."

The intelligence plan, according to its author, offered "an unexcelled opportunity to cope with a very serious problem in its germinal stages when we can avoid the necessity for harsh measures by acting swiftly, discreetly and decisively to deflect the threat before it reaches alarming proportions."

Except for the mention of Black Panthers and the Weathermen, the plan is unspecific about what individuals and groups would be placed under the expanded surveillance. However, the language of the plan indicates that a broad spectrum of persons would be subjected to the surveillance, including those who might fall into the following categories mentioned in the documents:

"American students (and others) traveling or living abroad"; "the revolutionary protest movement," particularly on American campuses; "individuals and groups in the United States who pose a major threat to the internal security"; foreign embassies in the United States; "violence-prone campus and student-related groups."

The most dramatic section of the documents include Huston's warnings about the illegalities of the surreptitious entry, and his

and entry, the recommendation of the committee, the documents say, was that:

"Present restrictions should be modified to permit procurement of vitally needed foreign cryptographic material."

"Also, present restrictions should be modified to permit selective use of this technique against other urgent security targets."

In the rationale for the recommendation, Huston's summary says:

"Use of this technique is clearly illegal; it amounts to burglary. It is also highly risky and could result in great embarrassment if exposed. However, it is also the most fruitful tool and can produce the type of intelligence which cannot be obtained in any other fashion."

"The FBI, in Mr. Hoover's younger days, used to conduct such operations with great success and with no exposure. The information secured was invaluable."

"NSA (the Security Agency) has a particular interest since it is possible by this technique to secure material with which NSA can break foreign cryptographic codes. We spend millions of dollars attempting to break these codes by machine. One successful surreptitious entry can do the job successfully at no dollar cost."

"Surreptitious entry of facilities occupied by subversive elements can turn up information about identities, methods of operation, and other invaluable investigative information which is not otherwise obtainable. This technique would be particularly helpful if used against the Weathermen and Black Panthers."

"The deployment of the executive protector force [the Executive Protective Service, replacement of the White House Police, which Mr. Nixon initiated in March, 1970, to guard the White House and Washington's foreign embassies] has increased the risk of surreptitious entry of diplomatic establishments. However, it is the belief of all except Mr. Hoover that the technique can still be successfully used on a selective basis."

In the summary of the rationale for easing restrictions on mail "covers," the documents say that "there is no valid argument against use of legal mail covers except Mr. Hoover's concern that the civil liberties people may become upset. This risk is surely an acceptable one and hardly serious enough to justify denying ourselves a valuable and legal intelligence tool."

"Covert coverage is illegal and there are serious risks involved. However, the advantages to be derived from its use outweigh the risks. The technique is particularly valuable in identifying espionage agents and other contacts of foreign intelligence services."

In arguing for more campus intelligence sources, the summary says the FBI would not recruit sources under 21, saying that "Mr. Hoover is afraid of a young student surfacing in the press as an intelligence source."

In the past to such events has been minimal. After all, everyone assumes

is the battleground of the revolutionary protest movement. It is impossible to gather effective intelligence about the movement unless we have campus sources. The risk of exposure is minimal, and where exposure occurs the adverse publicity is moderate and short-lived. It is a price we must be willing to pay for effective coverage of the campus scene. The intelligence community, with the exception of Mr. Hoover, feels strongly that it is imperative . . . (to) increase the number of campus sources this fall in order to forestall widespread violence . . ."

In Huston's top secret explanatory memorandum to Haldeman, as printed in The Times, Huston said that the proposal had been drafted by Hoover, Helms, Bennett and Gaylor and the top officials of the military services' intelligence units through the month of June.

"I went into this exercise," Huston wrote, "fearful that the CIA would refuse to cooperate. In fact, Dick Helms was most cooperative and helpful, and the only stumbling block was Mr. Hoover. He attempted at the first meeting to divert the committee from operational problems and redirect its mandate to the preparation of another analysis of existing intelligence. I declined to acquiesce in this approach, and succeeded in getting the committee back to target."

Hoover's foot-dragging, he said, was based on the FBI director's feeling that current operations were fine, and that "no one has any business commenting on procedures he has established for the collection of intelligence by the FBI."

Hoover's objections, wrote Huston, "are generally inconsistent and frivolous—most express concern about possible embarrassment to the intelligence community (i.e. Hoover) from public disclosure of clandestine operations . . ."

"Those individuals within the FBI who have day-to-day responsibilities for domestic intelligence operations privately disagree with Mr. Hoover and believe it is imperative that changes in operating procedures be initiated at once . . ."

"Twenty years ago," Huston wrote, "he would never have raised the type of objections he has here, but he's getting old and worried about his legend," the Times documents state.

Huston recommended that Mr. Nixon massage Hoover's ego to get him to go along with the stepped-up activities:

"Mr. Hoover should be called in privately for a stroking session at which the President explains the decision he has made, thanks Mr. Hoover for his candid advice and past cooperation, and indicates he is counting on Hoover's cooperation . . ."

"Having seen the President in action with Mr. Hoover," said Huston at another point, "I am confident that he can handle this situation in such a way that we will get what we want without putting Edgar's nose out of joint."

In concluding his assessment

on the threshold of an unexcelled opportunity to cope with a very serious problem in its germinal stages when we can avoid the necessity for harsh measures by acting swift, discreetly, and decisively to deflect the threat before it reaches alarming proportions.

"I might add, in conclusion, that it is my personal opinion that Mr. Hoover will not hesitate to accede to any decision which the President makes, and the President should not, therefore, be reluctant to overrule Mr. Hoover's objections. Mr. Hoover is set in his ways and can be bullheaded, but he is a loyal trooper... He makes life tough in this area, but not impossible—for he'll respond to direction by the President and that is all we need to set the domestic intelligence house in order."

In the "Decision Memorandum" dated July 15, 1970, in which Huston recounted Mr. Nixon's approval of the recommendations, he said, "The President has directed that each addressee submit a detailed report, due on Sept. 1, 1970, on the steps taken to implement these decisions. Further such periodic reports will be requested as circumstances merit."

"The President is aware that procedural problems may arise in the course of implementing these decisions. However, he is anxious that such problems be resolved with maximum speed and minimum misunderstanding..."

Huston underestimated the wrath and political ability of Hoover, who is reported to have protested so vigorously at Mr. Nixon's approval of the plan that he not only killed the plan, he got Huston fired.

Dean, after removing the documents from the White House, put them in a safety deposit box in an Alexandria bank. Dean's attorneys gave the keys to the box to Chief U.S. District Judge John J. Sirica.

At that point, the White House demanded that they be returned, saying they involved national security. Judge Sirica gave copies to the Justice Department and to the Senate Watergate committee headed by Sam J. Ervin Jr. (D-N.C.).

Sen. Ervin said recently that if all the documents in that safety deposit box were revealed, the American public would be shocked.

Huston said last night that he was not the source of the New York Times disclosure of the supportive memorandum. "I know when I appeared before the Senate Committee, six senators had copies... I bet there are 50 people on Capitol Hill who have copies

# President Told May 22 of Voiding Program Hoover Opposed

By JOHN M. CREWDSON

Special to The New York Times

WASHINGTON, June 6

President Nixon approved a plan for expanded domestic intelligence gathering in July, 1970, after being cautioned that parts of it were "clearly illegal" and involved "serious risks" to his Administration if the operations were ever discovered, according to White House documents.

The program, which Mr. Nixon described in part last

Texts of recommendations  
on security, Page 36.

month, was approved by him through H. R. Haldeman, then his chief of staff, after Tom Charles Huston, a staff assistant to the President, told Mr. Haldeman, "We don't want the President linked to this thing with his signature on paper... [because] all hell would break loose if this thing leaks out."

In a statement issued May 22, Mr. Nixon said that he had rescinded his approval of the "1970 intelligence plan" five days after he ordered it put into operation. He attributed the switch to "reconsideration... prompted by the opposition of [F.B.I.] Director [J. Edgar] Hoover."

## Surreptitious Entry

The President acknowledged in a statement that the extremely sensitive documents detailing the plan, some of which have been obtained by The New York Times, contained a provision for surreptitious entry by Federal agents in the course of certain types of national security investigations.

But Mr. Nixon gave no hint that the Interagency Committee on Intelligence, which recommended in a 43-page report that the existing restrictions against breaking and entering by intelligence agents be removed, had warned that the "use of this technique is clearly illegal."

The New York Times obtained three memorandums written by Mr. Huston—one summarizing the committee's report to the President, another informing the heads of Federal intelligence agencies that committee's recommendations had been approved, and a third providing Mr. Haldeman with background on the committee's deliberations and with a strategy for securing Mr. Hoover's cooperation.

The Times did not receive copies of the full report, or of the entire letter attached to the summarizing memorandum,

Continued From Page 1, Col. 8

also written by Mr. Huston, advising Mr. Haldeman that the President should not give the plan his written approval.

The committee's recommendations for the lifting of certain restrictions on intelligence gathering were summarized in a top-secret memorandum by Mr. Huston, who served as the committee's White House liaison.

The memorandum, sent to Mr. Haldeman for the President's approval in early July of 1970, notes that surreptitious entry, even by Federal agents, "amounts to burglary. It is also highly risky and could result in great embarrassment if exposed."

In recommending that the technique be resurrected, the document noted that the Federal Bureau of Investigation "used to conduct such operations with great success," and that the information they produced was "invaluable."

Such burglaries, the memorandum continued, "would be particularly helpful if used against the Weathermen and Black Panthers," and against unspecified "diplomatic establishments."

But, it noted, "the deployment of the executive protector force has increased the risk of surreptitious entry" in diplomatic cases.

The Executive Protective Service, a uniformed branch of the Secret Service, was created by President Nixon in March, 1970, to guard foreign embassies in the Washington area.

The intelligence committee, of which Mr. Hoover was the chairman, also proposed, according to the Huston memorandum, that restrictions against both legal and illegal "mail coverage" be removed.

A "legal" mail cover involves the examination, before delivery, of letters and packages addressed to suspect individuals, and the recording of the name of the sender, the date and place of posting, and other information that can be obtained without opening the seal.

"There is no valid argument against use of legal mail covers," Mr. Huston wrote, "except Mr. Hoover's concern that the civil liberties people may become upset."

But he added that the risk of such protests was "hardly serious enough to justify denying ourselves a valuable and legal intelligence tool."

## 'Illegal' Mail Covers

The memorandum points out that "illegal" mail covers, or the opening of sealed materials before delivery, presented "serious risks." But Mr. Huston said that the committee had recommended the implementation of such "covert coverage" on the ground that "the advantages to be derived from its use outweigh the risk."

In addition to asking the President to approve the use of covert mail covers and illegal entry, the committee's report, as reflected in the Huston memorandum, requested the authorization of the following other measures:

Permission for the National Security Agency to monitor "the communications of U. S. citizens using international facilities," such as overseas telephone and telegraph circuits.

The intensification of such electronic surveillance against "individuals and groups in the United States who pose a threat to the internal security."

An increase in the number of "campus sources" working for Federal intelligence agencies "in order to forestall widespread violence." The document declares that "the campus is the battleground of the revolutionary protest movement," and states the committee's belief that "it is impossible to gather effective intelligence about the movement" without such sources.

On July 15, 1970, Mr. Huston wrote a second memorandum to Mr. Hoover and the three other members of the committee—Richard Helms, then the Director of Central Intelligence; Gen. Donald V. Bennett, who headed the Defense Intelligence Agency, and Adm. Noel Gaylor, at the time the N.S.A. director.

In that document, also marked "top-secret" by Mr. Huston, he told the four men that Interagency Committee on Intelligence, and had approved all of its recommendations, including the use of illegal mail covers and the removal of restraints on surreptitious entry against foreign and "high priority internal security targets."

## Opposition by Hoover

When Mr. Hoover received word of the President's decision, according to one participant in the report's preparation, "he went through the roof."

Mr. Hoover, the participant said, had objected to all of the committee's recommendations, but had not believed "that the President would read his footnoted objections," and then approve the plan.

The participant, who asked not to be identified, said that Mr. Hoover had "never made a principled objection to anything in the report."

Mr. Hoover's opposition to the intelligence plan, the participant said, and to the committee of representatives of

Federal intelligence agencies that would oversee its operation, stemmed instead from the issue of "whether he was going to be able to run the F.B.I. any way he wanted to run it."

In his statement of May 22, President Nixon said only that the intelligence agencies, after having been told on July 23, 1970, that the plan had been approved, "were notified five days later, on July 28, that the approval had been rescinded" because of Mr. Hoover's "opposition."

Mr. Nixon said then that the genesis of the "unused" intelligence program had been the increase, in late 1969 and early 1970, of urban and campus unrest to a problem of "critical proportions."

## 'Rioting and Violence'

The President noted that, in the months before he approved the plan, "a wave of bombings and explosions struck college campuses and cities," that "rioting and violence" on American campuses had reached a new peak, and that "gun battles between guerrilla-style groups and police were taking place."

In some cases Mr. Nixon said, these activities "were receiving foreign support."

The participant noted, however, that to his knowledge the C.I.A. had been unable to find any significant connection between "revolutionary violence" in this country and foreign governments.

The recommendations approved by the President nevertheless included the monitoring of overseas communications by the N.S.A., and an increase in the "coverage of violence-prone campus and student-related groups" and in "C.I.A. coverage of American students (and others) traveling or living abroad."

The committee's report, as summarized by Mr. Huston for the President, noted that Mr. Hoover had until then refused to permit individuals below

21 years of age to serve as "campus sources" for the F.B.I.

The reason, Mr. Huston said, was that "Mr. Hoover is afraid of a young student surfacing in the press as an F.B.I. source, although the reaction in the past to such events has been minimal. After all, everyone assumes the F.B.I. has such sources."

## Publicity on Campus

When a campus source is exposed, Mr. Huston wrote, "the adverse publicity is moderate and short-lived. It is a price we must be willing to pay for effective coverage of the campus scene."

In his statement, Mr. Nixon noted that a copy of the intelligence plan and "related documents" were taken from the White House by John W. Dean 3d, shortly before he was dismissed on April 30 as the chief White House counsel.

On May 4, Mr. Dean put the plan and other documents, which were reliably reported to be a series of memorandums from Mr. Huston to Mr. Haldeman, in the safe deposit box of an area bank.

Ten days later, Chief Judge John J. Sirica of the Federal District Court here, to whom Mr. Dean's lawyers had given the keys to the box, turned copies of the papers over to the Justice Department and the Senate's Watergate investigating committee.

The papers have not been publicly released, but one official with access to the documents has said that the related memorandums, written by Mr. Huston after the President had withdrawn his approval for the plan, contain other intelligence-gathering proposals not included in the original program.

The official said that one memorandum, dated Sept. 21, 1970, contained a proposal by Mr. Huston that the Internal Revenue Service put together a small group of agents to use information gleaned from tax records "to harass or embarrass" certain individuals. He said there was no indication whether the proposal had been acted on, only that "some objection from the I.R.S. had been ironed out."

6-7-73

By Stephen D. Isaacs  
Washington Post Staff Writer  
NEW YORK, June 6—  
White House documents obtained by The New York Times show that President Nixon approved a domestic espionage plan in 1970, a part of which, he had been warned, was "clearly illegal."

The documents obtained by The Times appear to be copies of at least some of those removed from the White House by deposed presidential counsel John W. Dean III and turned over to the Justice Department and the Senate Watergate Committee by the presiding judge in the Watergate case. The only specific targets of the expanded espionage activity mentioned in the documents are the Black Panthers and Weathermen.

- Included in the plan were:
- Lifting of restraints against surreptitious entry—breaking and entering—to obtain information against foreign and domestic "security targets."
  - Monitoring U.S. citizens' overseas telephone calls and telegrams.
  - Stepped-up bugging and tapping—"electronic surveillance and penetrations"—of "individuals and groups" who are security threats.
  - Lifting and easing of restrictions for examining mail addressed to suspected security risks.
  - Allowing recruiting of young students for surveillance on campuses and increasing "CIA coverage of American students (and others) traveling or living abroad."

The President, in his statement on May 22, said that the plan had been approved in July, 1970, but approval had been withdrawn five days later—on July 23, 1970—at the request of the late J. Edgar Hoover of the FBI. The President in that statement did not specify exactly what the plan entailed.

The documents obtained by The Times were prepared by former White House aide Tom Charles Huston, who spearheaded the administration's domestic intelligence planning at the time.

[Reached by the Washington Post Staff Writer]

See DOCUMENTS, A13, Col. 1

ton Post last night in Indianapolis, Huston, 32, a lawyer, said, "I assume what they have is what John (Dean) put in his safety deposit box."

[Huston had said in an interview in Indianapolis last Sunday that the 1970 intelligence plan that he sent to Mr. Nixon was accompanied by five supportive memorandums and a covering letter.]

The documents include a summary of a proposal to increase intelligence, that proposal having been drafted by a committee including Hoover, then CIA director Richard Helms, Gen. Donald V. Bennett—then head of the Defense Intelligence Agency—and Adm. Noel Gayler, then head of the National Security Agency.

They also include a memorandum from Huston to H. R. Haldeman, Mr. Nixon's then chief of staff, labeled an "Analysis and Strategy" for implementing the plan and for handling Hoover, who was the only member of the committee who opposed the measures, according to Huston.

Finally, the documents published by The Times include a "Decision Memorandum" written by Huston announcing to the intelligence agencies Mr. Nixon's approval of the recommendations, despite Hoover's objections.

At one point Huston wrote, according to The Times, "We don't want the President linked to this thing with his signature on paper . . . (because) all hell will break loose if this thing leaks out."

The documents state that the plan was drafted in response to "the problems outlined by the President"—later defined as "the serious internal security threat which exists."

The intelligence plan, according to its author, offered "an unexcelled opportunity to cope with a very serious problem in its germinal stages when we can avoid the necessity for harsh measures by acting swiftly, discreetly and decisively to deflect the threat before it reaches alarming proportions."

Except for the mention of Black Panthers and the Weathermen, the plan is unspecific about what individuals and groups would be placed under the expanded surveillance. However, the language of the plan indicates that a broad spectrum of persons would be subjected to the surveillance, including those who might fall into the following categories mentioned in the documents:

- "American students (and others) traveling or living abroad"; "the revolutionary protest movement," particularly on American campuses;
- "Individuals and groups in the United States who pose a major threat to the internal security"; foreign embassies in the United States;
- "violence-prone campus and student-related groups."

The most dramatic sections of the documents are those in which Huston's warnings about the illegalities of the surreptitious entry, and his denigrations of Hoover.

and entry, the recommendation of the committee, the documents say, was that:

"Present restrictions should be modified to permit procurement of vitally needed foreign cryptographic material."

"Also, present restrictions should be modified to permit selective use of this technique against other urgent security targets."

In the rationale for the recommendation, Huston's summary says:

"Use of this technique is clearly illegal; it amounts to burglary. It is also highly risky and could result in great embarrassment if exposed. However, it is also the most fruitful tool and can produce the type of intelligence which cannot be obtained in any other fashion."

"The FBI, in Mr. Hoover's younger days, used to conduct such operations with great success and with no exposure. The information secured was invaluable."

"NSA (the Security Agency) has a particular interest since it is possible by this technique to secure material with which NSA can break foreign cryptographic codes. We spend millions of dollars attempting to break these codes by machine. One successful surreptitious entry can do the job successfully at no dollar cost."

"Surreptitious entry of facilities occupied by subversive elements can turn up information about identities, methods of operation, and other invaluable investigative information which is not otherwise obtainable. This technique would be particularly helpful if used against the Weathermen and Black Panthers."

"The deployment of the executive protector force [the Executive Protective Service, replacement of the White House Police, which Mr. Nixon initiated in March, 1970, to guard the White House and Washington's foreign embassies] has increased the risk of surreptitious entry of diplomatic establishments. However, it is the belief of all except Mr. Hoover that the technique can still be successfully used on a selective basis."

In the summary of the rationale for easing restrictions on mail "covers," the documents say that "there is no valid argument against use of legal mail covers except Mr. Hoover's concern that the civil liberties people may become upset. This risk is surely an acceptable one and hardly serious enough to justify denying ourselves a valuable and legal intelligence tool."

"Covert coverage is illegal and there are serious risks involved. However, the advantages to be derived from its use outweigh the risks. The technique is particularly valuable in identifying espionage agents and other contacts of foreign intelligence services."

In arguing for more campus intelligence sources, the summary says the FBI would not recruit sources under 21, saying that "Mr. Hoover is afraid of a young student surfacing in the press as an action in the past to such events has been minimal. After all, everyone assumes

is the battle-ground of the revolutionary protest movement. It is impossible to gather effective intelligence about the movement unless we have campus sources. The risk of exposure is minimal, and where exposure occurs the adverse publicity is moderate and short-lived. It is a price we must be willing to pay for effective coverage of the campus scene. The intelligence community, with the exception of Mr. Hoover, feels strongly that it is imperative . . . (to) increase the number of campus sources this fall in order to forestall widespread violence . . ."

In Huston's top secret explanatory memorandum to Haldeman, as printed in The Times, Huston said that the proposal had been drafted by Hoover, Helms, Bennett and Gayler and the top officials of the military services' intelligence units through the month of June.

"I went into this exercise," Huston wrote, "fearful that the CIA would refuse to cooperate. In fact, Dick Helms was most cooperative and helpful, and the only stumbling block was Mr. Hoover. He attempted at the first meeting to divert the committee from operational problems and redirect its mandate to the preparation of another analysis of existing intelligence. I declined to acquiesce in this approach, and succeeded in getting the committee back to target."

Hoover's foot-dragging, he said, was based on the FBI director's feeling that current operations were fine, and that "no one has any business commenting on procedures he has established for the collection of intelligence by the FBI."

Hoover's objections, wrote Huston, "are generally inconsistent and frivolous—most express concern about possible embarrassment to the intelligence community (i.e. Hoover) from public disclosure of clandestine operations . . ."

"Those individuals within the FBI who have day-to-day responsibilities for domestic intelligence operations privately disagree with Mr. Hoover and believe it is imperative that changes in operating procedures be initiated at once . . ."

"Twenty years ago," Huston wrote, "he would never have raised the type of objections he has here, but he's getting old and worried about his legend," the Times documents state.

Huston recommended that Mr. Nixon massage Hoover's ego to get him to go along with the stepped-up activities:

"Mr. Hoover should be called in privately for a stroking session at which the President explains the decision he has made, thanks Mr. Hoover for his candid advice and past cooperation, and indicates he is counting on Hoover's cooperation . . ."

"Having seen the President in action with Mr. Hoover," said Huston at another point, "I am confident that he can handle this situation in such a way that we can get what we want without putting Edgar's nose out of joint."

In concluding his assess-

and that he believed we are on the threshold of an unexcelled opportunity to cope with a very serious problem in its germinal stages where we can avoid the necessity for harsh measures by acting swift, discreetly, and decisively to deflect the threat before it reaches alarming proportions.

"I might add, in conclusion, that it is my personal opinion that Mr. Hoover will not hesitate to accede to any decision which the President makes, and the President should not, therefore, be reluctant to overrule Mr. Hoover's objections. Mr. Hoover is set in his ways and can be bullheaded, but he is a loyal trooper... He makes life tough in this area, but not impossible... for he'll respond to direction by the President and that is all we need to set the domestic intelligence house in order."

In the "Decision Memorandum" dated July 15, 1970, in which Huston recounted Mr. Nixon's approval of the recommendations, he said, "The President has directed that each addressee submit a detailed report, due on Sept. 1, 1970, on the steps taken to implement these decisions. Further such periodic reports will be requested as circumstances merit."

"The President is aware that procedural problems may arise in the course of implementing these decisions. However, he is anxious that such problems be resolved with maximum speed and minimum misunderstanding..."

Huston underestimated the wrath and political ability of Hoover, who is reported to have protested so vigorously at Mr. Nixon's approval of the plan that he not only killed the plan, he got Huston fired.

Dean, after removing the documents from the White House, put them in a safety deposit box in an Alexandria bank. Dean's attorneys gave the keys to the box to Chief U.S. District Judge John J. Sirica.

At that point, the White House demanded that they be returned, saying they involved national security. Judge Sirica gave copies to the Justice Department and to the Senate Watergate committee headed by Sam J. Ervin Jr. (D-N.C.).

Sen. Ervin said recently that if all the documents in that safety deposit box were revealed, the American public would be shocked.

Huston said last night that he was not the source of the New York Times disclosure of the supportive memorandum. "I know when I appeared before the Senate six senators had copies... I bet there are 50 people on Capitol Hill who have copies



# President Told May 22 of Voiding Program Hoover Opposed

By JOHN M. CREWDSON

Special to The New York Times

WASHINGTON, June 6

President Nixon approved a plan for expanded domestic intelligence gathering in July, 1970, after being cautioned that parts of it were "clearly illegal" and involved "serious risks" to his Administration if the operations were ever discovered, according to White House documents.

The program, which Mr. Nixon described in part last

Texts of recommendations  
on security, Page 36.

month, was approved by him through H. R. Haldeman, then his chief of staff, after Tom Charles Huston, a staff assistant to the President, told Mr. Haldeman, "We don't want the President linked to this thing with his signature on paper... [because] all hell would break loose if this thing leaks out."

In a statement issued May 22, Mr. Nixon said that he had rescinded his approval of the "1970 intelligence plan" five days after he ordered it put into operation. He attributed the switch to "reconsideration... prompted by the opposition of [F.B.I.] Director [J. Edgar] Hoover."

## 'Surreptitious Entry'

The President acknowledged in a statement that the extremely sensitive documents detailing the plan, some of which have been obtained by The New York Times, contained a provision for surreptitious entry by Federal agents in the course of certain types of national security investigations.

But Mr. Nixon gave no hint that the Interagency Committee on Intelligence, which recommended in a 43-page report that the existing restrictions against breaking and entering by intelligence agents be removed, had warned that the "use of this technique is clearly illegal."

The New York Times obtained three memorandums written by Mr. Huston—one summarizing the committee's report to the President, another informing the heads of Federal intelligence agencies that committee's recommendations had been approved, and a third providing Mr. Haldeman with background on the committee's deliberations and with a strategy for securing Mr. Hoover's cooperation.

The Times did not receive copies of the full report, or of the entire letter attached to the summarizing memorandum,

Continued From Page 1, Col. 3

also written by Mr. Huston, advising Mr. Haldeman that the President should not give the plan his written approval.

The committee's recommendations for the lifting of certain restrictions on intelligence gathering were summarized in a top-secret memorandum by Mr. Huston, who served as the committee's White House liaison.

The memorandum, sent to Mr. Haldeman for the President's approval in early July of 1970, notes that surreptitious entry, even by Federal agents, "amounts to burglary. It is also highly risky and could result in great embarrassment if exposed."

In recommending that the technique be resurrected, the document noted that the Federal Bureau of Investigation "used to conduct such operations with great success," and that the information they produced was "invaluable."

Such burglaries, the memorandum continued, "would be particularly helpful if used against the Weathermen and Black Panthers," and against unspecified "diplomatic establishments."

But, it noted, "the deployment of the executive protector force has increased the risk of surreptitious entry" in diplomatic cases.

The Executive Protective Service, a uniformed branch of the Secret Service, was created by President Nixon in March, 1970, to guard foreign embassies in the Washington area.

The intelligence committee, of which Mr. Hoover was the chairman, also proposed, according to the Huston memorandum, that restrictions against both legal and illegal "mail coverage" be removed.

A "legal" mail cover involves the examination, before delivery, of letters and packages addressed to suspect individuals, and the recording of the name of the sender, the date and place of posting, and other information that can be obtained without opening the seal.

"There is no valid argument against use of legal mail covers," Mr. Huston wrote, "except Mr. Hoover's concern that the civil liberties people may become upset."

But he added that the risk of such protests was "hardly serious enough to justify denying ourselves a valuable and legal intelligence tool."

## 'Illegal' Mail Covers

The memorandum points out that "illegal" mail covers, or the opening of sealed materials before delivery, presented "serious risks." But Mr. Huston said that the committee had recommended the implementation of such "covert coverage" on the ground that the advantages to be derived from its use outweigh the risk.

In addition to asking the President to approve the use of covert mail covers and illegal entry, the committee's report, as reflected in the Huston memorandum, requested the authorization of the following other measures:

Permission for the National Security Agency to monitor "the communications of U. S. citizens using international facilities," such as overseas telephone and telegraph circuits.

The intensification of such electronic surveillance against "individuals and groups in the United States who are active in international security."

An increase in the number of "campus sources" working for Federal intelligence agencies "in order to forestall widespread violence." The document declares that "the campus is the battleground of the revolutionary protest movement," and states the committee's belief that "it is impossible to gather effective intelligence about the movement" without such sources.

On July 15, 1970, Mr. Huston wrote a second memorandum to Mr. Hoover and the three other members of the committee—Richard Helms, then the Director of Central Intelligence; Gen. Donald V. Bennett, who headed the Defense Intelligence Agency, and Adm. Noel Gaylor, at the time the N.S.A. director.

In that document, also marked "top-secret" by Mr. Huston, he told the four men that Interagency Committee on Intelligence, and had approved all of its recommendations, including the use of illegal mail covers and the removal of restraints on surreptitious entry against foreign and "high priority internal security targets."

## Opposition by Hoover

When Mr. Hoover received word of the President's decision, according to one participant in the report's preparation, "he went through the roof."

Mr. Hoover, the participant said, had objected to all of the committee's recommendations, but had not believed "that the President would read his footnoted objections," and then approve the plan.

The participant, who asked not to be identified, said that Mr. Hoover had "never made a principled objection to anything in the report."

Mr. Hoover's opposition to the intelligence plan, the participant said, and to the committee of representatives of

Federal intelligence agencies that would oversee its operation, stemmed instead from the issue of "whether he was going to be able to run the F.B.I. any way he wanted to run it."

In his statement of May 22, President Nixon said only that the intelligence agencies, after having been told on July 23, 1970, that the plan had been approved, "were notified five days later, on July 28, that the approval had been rescinded" because of Mr. Hoover's "opposition."

Mr. Nixon said then that the genesis of the "unused" intelligence program had been the increase, in late 1969 and early 1970, of urban and campus unrest to a problem of "critical proportions."

## 'Rioting and Violence'

The President noted that, in the months before he approved the plan, "a wave of bombings and explosions struck college campuses and cities," that "rioting and violence" on American campuses had reached a new peak, and that "gun battles between guerrilla-style groups and police were taking place."

In some cases Mr. Nixon said, these activities "were receiving foreign support."

The participant noted, however, that to his knowledge the C.I.A. had been unable to find any significant connection between "revolutionary violence" in this country and foreign governments.

The recommendations approved by the President nevertheless included the monitoring of overseas communications by the N.S.A., and an increase in the "coverage of violence-prone campus and student-related groups" and in "C.I.A. coverage of American students (and others) traveling or living abroad."

The committee's report, as summarized by Mr. Huston for the President, noted that Mr. Hoover had until then refused to permit individuals below

21 years of age to serve as "campus sources" for the F.B.I.

The reason, Mr. Huston said, was that "Mr. Hoover is afraid of a young student surfacing in the press as an F.B.I. source, although the reaction in the past to such events has been minimal. After all, everyone assumes the F.B.I. has such sources."

## Publicity on Campus

When a campus source is exposed, Mr. Huston wrote, "the adverse publicity is moderate and short-lived. It is a price we must be willing to pay for effective coverage of the campus scene."

In his statement, Mr. Nixon noted that a copy of the intelligence plan and "related documents" were taken from the White House by John W. Dean 3d, shortly before he was dismissed on April 30 as the chief White House counsel.

On May 4, Mr. Dean put the plan and other documents, which were reliably reported to be a series of memorandums from Mr. Huston to Mr. Haldeman, in the safe deposit box of an area bank.

Ten days later, Chief Judge John J. Sirica of the Federal District Court here, to whom Mr. Dean's lawyers had given the keys to the box, turned copies of the papers over to the Justice Department and the Senate's Watergate investigating committee.

The papers have not been publicly released, but one official with access to the documents has said that the related memorandums, written by Mr. Huston after the President had withdrawn his approval for the plan, contain other intelligence-gathering proposals not included in the original program.

The official said that one memorandum, dated Sept. 21, 1970, contained a proposal by Mr. Huston that the Internal Revenue Service put together a small group of agents to use information gleaned from tax records "to harass or embarrass" certain individuals. He said there was no indication whether the proposal had been acted on, only that "some objection from the I.R.S. had been ironed out."